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10/812,553	03/30/2004	Johannes Ruetschi	2003P19276 US	3401

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Elsa Keller
Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

SAMS, MATTHEW C

ART UNIT	PAPER NUMBER
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2617

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/812,553	Applicant(s) RUETSCHI, JOHANNES	
	Examiner MATTHEW SAMS	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment/arguments filed on 1/21/2009.
2. Claims 16 and 20 have been amended.

Response to Arguments

3. Applicant's arguments filed 1/21/2009 have been fully considered but they are not persuasive.
4. In response to the Applicant's argument traversing the Examiner's rejection of claims 1-26 (Pages 10-12), the Examiner respectfully disagrees.

The Examiner views Koskinen's teachings as follows: Koskinen teaches "different users and even the same user may have several different portable devices in connection with which the invention can be applied" (Col. 4 lines 51-54) and "wherein a set of portable devices is defined for the action, wherein if the conditions for activating the action are met in one portable device from said set of portable devices, the action is activated". (Col. 14 lines 49-53) In other words, a user has an upcoming event to occur at a specific time and place. The user defines the event (time and place) and instructs the server that all of the user's wireless devices are to be notified if any of the devices are not at the event. Even if two of three devices are located at the event, because one device is not, then the "condition for activating the action are met" which would be to remind all of the user's devices of the event. (Col. 14 lines 49-53)

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5. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "If that *schedule* upcoming event fails to occur" (Page 12) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 16-23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 16-23 are directed to a "computer program product" that comprises a "computer usable medium", however the specification fails to clearly define a "computer program product" and a "computer usable medium", therefore the claimed limitation can be broadly and reasonably interpreted as a program per se, or that the product and medium is merely a carrier wave or signal, which is non-statutory.

The examiner is not giving a non-statutory rejection to claims 24-26 because the examiner is assuming a statutory configuration because the computer-readable medium has instructions stored thereon and are being executed by a processor. The Examiner thanks the applicant for adding "computer-readable medium" to the specification.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray (US-6,484,033) in view of Koskinen et al. (US-7,039,420 hereinafter, Koskinen).

Regarding claim 1, Murray teaches a communication system comprising:

a plurality of communications devices communicating with each other over a network; (Fig. 1 [60, 62 & 66])

a storage on said network storing location and presence information about system users, each of said plurality of communications devices being identifiable with at least one system user; (Col. 4 line 60 through Col. 5 line 43) and

an identity context reminder service monitoring said plurality of communications devices for current location and presence status for associated users and comparing said current location and presence status for inconsistencies with an expected location and presence for said associated users from stored said location and presence information, said identity context reminder service selectively providing a reminder to respective communications device of said plurality of communications devices responsive to an inconsistency. (Fig. 6 and Col. 4 line 60 through Col. 5 line 43)

Murray differs from the claimed invention by not explicitly reciting each one of said associated users are associated with more than one of said plurality of

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communications devices, wherein for each of said ones said identity context reminder service monitors multiple associated devices of said plurality of communications devices for inconsistencies in one or more.

In an analogous art, Koskinen teaches a method and system for presenting reminders in a portable device (Abstract, Col. 14 lines 17-27) that includes having a user that is associated with more than one of said plurality of communications devices (Col. 14 lines 49-53) and a notification service, said identity context reminder service monitoring a plurality of communication devices associated with a single user and said notification service providing said reminder to said selected one. (Col. 14 lines 17-27 and lines 49-53 *i.e.* if any one of the devices isn't where it should be, the reminder is sent) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to be motivated to implement the invention of Murray after modifying it to incorporate a group of devices associated with a single user as taught Koskinen since it is well known that a single user may possess several different portable devices (personal cell-phone, work cell-phone, etc. and Koskinen Col. 4 lines 51-54) at different times throughout a day (or alternatively, in different locations) but wishes to receive reminders regardless of which device the user has in their possession. In other words, it is well within the scope of one of ordinary skill to be motivated to provide a single service (*i.e.* schedule reminders) to a user regardless of where the user is located and to whatever device the user has in their possession (or is currently using).

Regarding claim 2, Murray in view of Koskinen teaches a presence service receiving current presence status for said associated users from said plurality of

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communication devices and providing received said presence status to said identity context reminder service. (Murray Fig. 10 & Fig. 11)

Regarding claim 3, Murray in view of Koskinen teaches at least one said reminder indicates that a user associated with said respective communication device is at a location other than a previously scheduled expected location. (Murray Col. 4 line 60 through Col. 5 line 43, Fig. 6, Fig. 7 and Col. 10 lines 5-67)

Regarding claim 4, Murray in view of Koskinen teaches a location service receiving current location status for said associated users from said plurality of communications devices and providing received said location status for said associated users to said identity context reminder service. (Murray Col. 4 line 60 through Col. 5 line 43, Fig. 6, Fig. 7 and Col. 10 lines 5-67)

Regarding claim 5, Murray in view of Koskinen teaches at least one said reminder indicates that an associated user identified to said respective communications device is at a location other than an expected location for said associated user. (Murray Col. 4 line 60 through Col. 5 line 43, Fig. 6, Fig. 7 and Col. 10 lines 5-67)

Regarding claim 6, Murray in view of Koskinen teaches a notification service, said identity context reminder service identifying a selected one of said plurality of communications devices and said notification service providing said reminder to said selected one. (Murray Fig. 2 [108], Col. 4 line 60 through Col. 5 line 43, Fig. 6, Fig. 7 and Col. 10 lines 5-67)

Regarding claim 7, Murray in view of Koskinen teaches the notification service is a text based messaging service. (Murray Col. 3 lines 24-63 and Col. 4 line 60 through Col. 5 line 43)

Regarding claim 8, Murray in view of Koskinen teaches the text based messaging service is selected from the group consisting of e-mail, instant messaging and short message service (SMS). (Murray Col. 3 lines 24-63)

Regarding claim 9, Murray in view of Koskinen teaches an identity context reminder client on at least one communications device of said plurality of communications devices, said identity context reminder client facilitating managing identity context reminder notifications from said at least one communications device. (Murray Fig. 2 & Fig. 3)

Regarding claim 10, Murray in view of Koskinen teaches at least one of said communication devices is a mobile station in a cellular phone network. (Murray Fig. 1, Fig. 2, Fig. 3 and Koskinen Col. 4 lines 49-51)

Regarding claim 11, Murray in view of Koskinen teaches the storage is a central storage and said identity content service is located on a server with said central storage (Murray Fig. 1 [76]), and said communications system further comprises a rules based engine on said server monitoring said current location and presence status on said plurality of communications devices for said associated users and providing said identity context reminder service. (Murray Fig. 6 and Col. 4 line 60 through Col. 5 line 43)

Regarding claim 12, Murray teaches a method of maintaining location and presence status current in a communications system including a plurality of communications devices networked together said method comprising the steps of:

storing location and presence information for a user identified with one or more communications devices; (Col. 4 line 60 through Col. 5 line 43)

monitoring a plurality of communications devices for current location and presence status for associated users; (Fig. 3 [111] and Col. 4 line 60 through Col. 5 line 43)

comparing said current location and presence status to stored said location and presence information to identify inconsistencies for said associated users; (Fig. 6 and Col. 4 line 60 through Col. 5 line 43) and

sending a notification to an identified user at a corresponding one of said one or more communications devices. (Col. 4 line 60 through Col. 5 line 43, Fig. 6, Fig. 7 and Col. 10 lines 5-67)

Murray differs from the claimed invention by not explicitly reciting each one of said associated users are associated with more than one of said plurality of communications devices, wherein for each of said ones said identity context reminder service monitors multiple associated devices of said plurality of communications devices for inconsistencies in one or more.

In an analogous art, Koskinen teaches a method and system for presenting reminders in a portable device (Abstract, Col. 14 lines 17-27) that includes having a user that is associated with more than one of said plurality of communications devices

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(Col. 14 lines 49-53) and a notification service, said identity context reminder service monitoring a plurality of communication devices associated with a single user and said notification service providing said reminder to said selected one. (Col. 14 lines 17-27 and lines 49-53 *i.e.* if any one of the devices isn't where it should be, the reminder is sent) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to be motivated to implement the invention of Murray after modifying it to incorporate a group of devices associated with a single user as taught Koskinen since it is well known that a single user may possess several different portable devices (personal cell-phone, work cell-phone, etc. and Koskinen Col. 4 lines 51-54) at different times throughout a day (or alternatively, in different locations) but wishes to receive reminders regardless of which device the user has in their possession. In other words, it is well within the scope of one of ordinary skill to be motivated to provide a single service (*i.e.* schedule reminders) to a user regardless of where the user is located and to whatever device the user has in their possession (or is currently using).

Regarding claim 13, Murray teaches the notification is provided as a text message displayed by at least one of said one or more communications devices. (Col. 3 lines 24-63 and Col. 4 line 60 through Col. 5 line 43)

Regarding claim 14, Murray teaches the step of updating stored location and presence information. (Col. 4 line 60 through Col. 5 line 43 and Fig. 3 [111])

Regarding claim 15, Murray teaches one or more communications devices is a plurality of communication devices (the Examiner views this as the applicant being their own lexicographer and changing "a plurality" to mean one communication device)

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identified with a particular communications system user, said stored location and presence information for said particular communications system user being updated and managed from said one or more communications devices. (Col. 4 line 60 through Col. 5 line 43, Fig. 6, Fig. 7 and Col. 10 lines 5-67)

Regarding claim 16, the limitations of claim 16 are rejected as being the same reasons set forth above in claim 12.

Regarding claim 17, the limitations of claim 17 are rejected as being the same reasons set forth above in claim 13.

Regarding claim 18, Murray teaches the text messaging services comprise e-mail, instant messaging and short message service (SMS). (Col. 3 lines 24-63).

Regarding claim 19, the limitations of claim 14 are rejected as being the same reasons set forth above in claim 14.

Regarding claim 20, Murray teaches a computer program product for managing location and presence information for users associated with a communications device amongst a plurality of communications devices networked together in a communications system, said computer program product comprising a computer usable medium having computer readable program code stored thereon, said computer readable program code comprising:

computer program code means for providing current user location and presence status to a location context reminder service, (Col. 4 line 60 through Col. 5 line 43)

each communication device providing location and presence information to said communication system, (Col. 4 line 60 through Col. 5 line 43 and Fig. 2 [79])

computer program code means for indicating receipt of reminders, received said reminders indicating inconsistencies between expected current said user location and presence information and actual current said user location and presence status; (Col. 4 line 60 through Col. 5 line 43, Fig. 6, Fig. 7 and Col. 10 lines 5-67) and

computer program code means for providing user location and presence information updates to said location context reminder service. (Col. 4 line 60 through Col. 5 line 43, Fig. 6, Fig. 7 and Col. 10 lines 5-67)

Murray differs from the claimed invention by not explicitly reciting each one of said associated users are associated with more than one of said plurality of communications devices, wherein for each of said ones said identity context reminder service monitors multiple associated devices of said plurality of communications devices for inconsistencies in one or more.

In an analogous art, Koskinen teaches a method and system for presenting reminders in a portable device (Abstract, Col. 14 lines 17-27) that includes having a user that is associated with more than one of said plurality of communications devices (Col. 14 lines 49-53) and a notification service, said identity context reminder service monitoring a plurality of communication devices associated with a single user and said notification service providing said reminder to said selected one. (Col. 14 lines 17-27 and lines 49-53 *i.e.* if any one of the devices isn't where it should be, the reminder is sent) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to be motivated to implement the invention of Murray after modifying it to incorporate a group of devices associated with a single user as taught

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Koskinen since it is well known that a single user may possess several different portable devices (personal cell-phone, work cell-phone, etc. and Koskinen Col. 4 lines 51-54) at different times throughout a day (or alternatively, in different locations) but wishes to receive reminders regardless of which device the user has in their possession. In other words, it is well within the scope of one of ordinary skill to be motivated to provide a single service (*i.e.* schedule reminders) to a user regardless of where the user is located and to whatever device the user has in their possession (or is currently using).

Regarding claim 21, Murray teaches computer program code for indicating reminders comprises computer program code means for text messaging. (Col. 3 lines 24-63 and Col. 4 line 60 through Col. 5 line 43)

Regarding claim 22, Murray teaches computer program code means for text messaging is selected from a group consisting of:

computer program code means for sending and receiving e-mail; (Col. 3 lines 24-63)

computer program code means for instant messaging; (Col. 3 lines 24-63) and
computer program code means for sending and receiving short message service (SMS) messages. (Col. 3 lines 24-63 and Col. 4 line 60 through Col. 5 line 43)

Regarding claim 23, Murray teaches a computer program code means for indicating reminders selects said computer program code means for text messaging from said group. (Col. 3 lines 24-63 and Col. 4 line 60 through Col. 5 line 43)

Regarding claim 24, the limitations of claim 24 are rejected as being the same reason set forth above in claim 12.

Regarding claim 25, the limitations of claim 25 are rejected as being the same reason set forth above in claim 13.

Regarding claim 26, the limitations of claim 26 are rejected as being the same reason set forth above in claim 14.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW SAMS whose telephone number is (571)272-8099. The examiner can normally be reached on M-F 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MATTHEW SAMS/
Examiner, Art Unit 2617

/Lester Kincaid/
Supervisory Patent Examiner, Art Unit 2617